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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MARSHALL BURGESS, JR.,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 3:18-cv-00309-MMD-WGC

ORDER

I. Discussion

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by an individual who was in the custody of the Nevada Department of Corrections at the time he initiated this case. When Plaintiff initiated this case, he submitted an application to proceed *in forma pauperis* for prisoners. (ECF No. 1). In this Court’s November 2, 2018 screening order and May 3, 2018 screening order, the Court deferred a decision on that application to proceed *in forma pauperis*. (ECF No. 8 at 12, 16 at 7). The Court subsequently imposed a stay, and the Court entered an order in which the parties were assigned to mediation by a court-appointed mediator. (ECF No. 16 at 7, 18). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 27).

Because Plaintiff no longer is a prisoner, the Court dismisses the application to proceed *in forma pauperis* as a prisoner (ECF No. 1) as moot. The Court now directs Plaintiff to file an application to proceed *in forma pauperis* by a non-prisoner within thirty (30) days from the date of this order or pay the full filing fee of \$400. After the Court

1 determines the matter of the payment of the filing fee, the Court will issue an order on the
2 matter of service.

3 **II. Conclusion**

4 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in*
5 *forma pauperis* for prisoners (ECF No. 1) is DENIED as moot.

6 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
7 approved form application to proceed *in forma pauperis* by a non-prisoner, as well as the
8 document entitled information and instructions for filing an *in forma pauperis* application.

9 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
10 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis* for
11 non-prisoners; or (2) pay the full filing fee of \$400.

12 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
13 dismissal of this action may result.

14 IT IS FURTHER ORDERED that upon the resolution of the matter of the filing fee
15 this Court shall issue a subsequent order on the matter of service.

16 This case remains stayed.

17 DATED: August 23, 2019.

18 William G. Cobb
19 UNITED STATES MAGISTRATE JUDGE
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